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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ABNER ESTRADA CRUZ,

Defendant.

CASE NO. 2:24-CR-247-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT
AND BRIEFING SCHEDULE; FINDINGS AND
ORDER

DATE: October 27, 2025

TIME: 9:30 a.m.

COURT: Hon. Dale A. Drozd

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 27, 2025.
2. On October 22, 2025, the defendant filed a motion to dismiss the indictment. ECF 28.
3. By this stipulation, the parties now move to continue the status and motion hearing to November 17, 2025, to set the hearing on the motion to dismiss on that date, and to exclude time between October 27, 2025, and November 17, 2025, under Local Code T4 and E (pretrial filings). The parties also request the following briefing schedule:
 - a) Government's opposition due **November 3, 2025; and**
 - b) Defendant's reply due **November 10, 2025.**
4. The parties agree and stipulate, and request that the Court find the following with respect

1 to the exclusion of time:

2 a) The government has represented that the discovery associated with this case
3 includes audio, photos, and reports related to multiple transactions and drug seizures. Defense
4 counsel continues to review the evidence, conduct independent investigation, and otherwise
5 prepare for trial.

6 b) This case is related to three other cases: 2:24-cr-0096-DAD, 2:23-cr-00103, and
7 2:24-cr-0246-DAD. Two of these related cases have been continued to the proposed date,
8 November 17, 2025.

9 c) In the related case, 2:24-cr-0246-DAD, defendants Yahir Alexander Arteaga Cruz
10 and defendant Aronis Jose Hernandez-Aguilar filed motions to dismiss that closely track the
11 motion filed in the instant case. ECF 49-50.

12 d) Counsel for the defendant believes that failure to grant the above-requested
13 continuance would deny him the reasonable time necessary for effective preparation, taking into
14 account the exercise of due diligence.

15 e) The government does not object to the continuance. Government counsel returned
16 to the office from maternity leave on October 16, 2025, and needs time to respond to the motion
17 to dismiss.

18 f) Based on the above-stated findings, the ends of justice served by continuing the
19 case as requested outweigh the interest of the public and the defendant in a trial within the
20 original date prescribed by the Speedy Trial Act.

21 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
22 et seq., within which trial must commence, the time period of October 27, 2025 to November 17,
23 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
24 T4] because it results from a continuance granted by the Court at the defendant's request on the
25 basis of the Court's finding that the ends of justice served by taking such action outweigh the
26 best interest of the public and the defendant in a speedy trial. This time period is also excludable
27 under 18 U.S.C. § 3161(h)(1)(2) [Local Code E], due to the pending motions to dismiss the
28 indictment.

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 22, 2025

ERIC GRANT
United States Attorney

/s/ CAMERON L. DESMOND
CAMERON L. DESMOND
Assistant United States Attorney

Dated: October 22, 2025

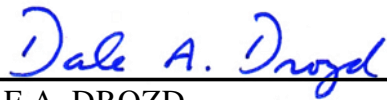
/s/ Etan Zaitso
Etan Zaitso
Counsel for Defendant
ABNER ESTRADA CRUZ

ORDER

Pursuant to the stipulation of the parties and good cause appearing, the status conference and hearing on defendant's motion to dismiss is continued to November 17, 2025, at 9:30 a.m. and time is excluded between October 27, 2025, and November 17, 2025, under Local Code T4 and E (pretrial filings). In addition, the parties' proposed briefing schedule on the motion to dismiss is adopted. **However, counsel are forewarned that if the defendant's motion to dismiss is denied, no further continuances of the of the status conference in this case will be granted absent a compelling showing of good cause.**

IT IS SO ORDERED.

Dated: October 22, 2025


DALE A. DROZD
UNITED STATES DISTRICT JUDGE